

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
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Matti KIVIKKO et al.)	Group Art Unit: 1614
)	
Application No.: 10/541,394)	Examiner: Christopher R. STONE
)	
Int'l Filing Date: January 2, 2004)	
§ 371 Date: March 29, 2006)	
)	Confirmation No.: 6385
For: METHOD FOR TREATING RENAL)	
FAILURE)	
Commissioner for Patents		
P.O. Box 1450		
Alexandria, VA 22313-1450		

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the listed documents on the attached PTO SB/08 Form. This Information Disclosure Statement is being filed before the mailing date of a first Office Action after the filing of a Request for Continued Examination in the above-referenced application.

Copies of the non-patent literature documents are attached.

Raftopoulos, S.C. "Levosimendan Following Coronary Artery Bypass Grafting in a Patient with End-Stage Renal Failure: A Case Report," *Critical Care and Resuscitation* (2004) 6:109-112, was cited as evidencing a double patenting rejection of copending U.S. Application No. 11/355,896 over claims of the present application in Office Actions dated February 22, 2008, and November 25, 2008, a copy of each of which is also submitted herein.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 8, 2009

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